

Managing Environmental Compliance in Connecticut



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Arthur J. Rocque, Jr.
Commissioner

<http://www.dep.state.ct.us>

Connecticut Department of Environmental Protection
Office of Enforcement Policy and Coordination

Issue 2

Industrial Stormwater General Permit Compliance Initiative

Despite common belief, much of the pollution reaching Connecticut's waterways these days doesn't come from industrial wastewater or municipal sewage systems. Rather, it comes in the form of storm water runoff – the water from rain and snow that runs off city streets, parking lots, yards and construction sites carrying with it sediment, oil, grease, pesticides, toxics and other pollutants into storm drains, which lead eventually to our rivers and lakes. As a result, the department is continuing its aggressive efforts to improve compliance with its General Permit for the Discharge of Stormwater Associated with Industrial Activity ("industrial stormwater general permit"). "A great deal of progress has been made over the last thirty years of pollution control, a fact that we can all be proud of," said Michael Harder, Director of the Water Bureau's Permitting, Enforcement and Remediation Division. "However, there is still a lot of work to do, and the impacts of stormwater on water quality must be reduced significantly if we are to meet our water quality goals."

In its latest initiative, begun in September 2002, the department is systematically evaluating the level of compliance at permitted facilities with key elements of the industrial stormwater

general permit with a focus on permittees that have failed to perform required annual stormwater monitoring. The department will also be evaluating facilities that have performed the required stormwater monitoring that has shown their discharges to be substantially in excess of discharge goals contained in the general permit. Strategies for improving the level of compliance



(fluids flushed from loading dock at meat packing plant)

with the stormwater general permit include the use of both formal enforcement and compliance assistance. In October 2002, the department issued information request letters to each permittee that had failed to perform stormwater monitoring required under the general permit. The letters required each permittee to submit a copy of the facility's

stormwater pollution prevention plan, including all stormwater monitoring performed over the prior five years. After evaluating the responses, the department identified approximately fifteen

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Stormwater General Permit Compliance Initiative

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facilities that failed to monitor stormwater as required in at least two of the prior five monitoring years. During the first quarter of 2003, the department will be taking formal enforcement action against companies that failed to conduct the required monitoring. Companies that failed to monitor will first be provided an opportunity to settle the outstanding violations by administrative consent order, the terms of the order to include injunctive relief and a civil penalty to recover economic benefit and deter future non-compliance.

Also during the first quarter of 2003, the department will be contacting approximately fifteen permittees that have substantially exceeded pollutant levels, also termed stormwater discharge goals, set forth in the industrial stormwater general permit. The department will assist these facilities in evaluating their stormwater pollution prevention plans and inspection procedures. Some sites will also be inspected to identify potential sources of stormwater pollution and to help determine whether improvements may be made through site modifications. Where appropriate, the department will work with these facilities to implement site improvements, which may include building roof structures, increasing the level of stormwater reuse, or providing stormwater treatment. "A permittee's obligation to monitor the quality of its stormwater discharge and to comply with the stormwater discharge goals is critical to cleaner water in Connecticut," Harder said. "One of the benefits of monitoring is that a facility becomes aware of just how bad stormwater discharges can be and can take voluntary action to improve the quality of their discharges. However, the Department will continue to identify those who fail to meet their stormwater general permit obligations and, where necessary, take appropriate enforcement action in response."

For more information on stormwater management, go to EPA's website at http://cfpub.epa.gov/npdes/home.cfm?program_id=6 or contact the department at (860) 424-3018. ☼

Carbon Dioxide and Fossil Fuel Energy

The New England Governors' / Eastern Canadian Premiers' climate change action plan, signed by Governor Rowland in August 2001, emphasizes stabilization and reduction of carbon dioxide emissions, with a significant focus on the electricity generation sector. A Department priority will be to minimize emissions of both criteria pollutants and greenhouse gases at sources, whether in-state or regionally, in order to reduce their public health and environmental impacts.

♦The United States with 4.6% of the world's population produces 25% of the world's climate altering gases.

♦Connecticut's 3.4 million residents release as much carbon dioxide as do 237 million people living in 61 developing countries combined.



♦Each Connecticut resident releases on average 2.9 tons of carbon from fossil fuels each year, 45% below the United States average of 5.3 tons.

Help Connecticut's Waterways and Wells Avoid "Floor Drain Pain"

Pollution from floor drains can have serious impacts on Connecticut's water quality. Oils, solvents, gasoline, acids, detergents, floor cleaners, wax strippers and other pollutants that are toxic to aquatic life or to down-gradient drinking water users enter our surface waters and groundwaters through these drains and underground piping systems. As a result, in 1994, the Connecticut State Building Code was modified to prohibit the piping connection of floor drains to a surface water or storm drain. In addition, for many years the department has worked directly with hundreds of industries, vehicle service garages and other facilities to eliminate or repipe old floor drains that were connected to rivers, harbors and underground leaching structures.

Despite these efforts, the department estimates that there may be as many as several thousand floor drains still in use in buildings constructed prior to 1994. This is a problem that can, in most situations, be easily and inexpensively remedied. The department urges all commercial, industrial and institutional building owners or tenants to check for the presence of floor drains or floor trenches in your building and to be aware of the discharge location of any drains to insure that none are connected to a storm drain or stream. Floor drains from some practices, such as vehicle service operations, can be permitted to discharge to a sanitary sewer provided there is an appropriate pretreatment tank for oils and sediment. Other drain situations need to be analyzed on a case-by-case basis. Of particular note is the presence of floor drains in power or heat generating rooms. The best solution for these drains is to permanently seal them with concrete and to obtain coverage under the appropriate general permit to direct any boiler blowdown or other discharges to a sanitary sewer. With questions regarding floor drains, contact the department at (860) 424-3018. ☞

2002 GreenCircle Awards

Congratulations to the 2002 GreenCircle Award winners. This year 117 businesses, institutions, and individuals received Department GreenCircle awards for making positive contributions to Connecticut's environment. Over the past five years these beyond compliance activities have:

- Saved more than 575,000,000 gallons of water;
- Eliminated approximately 10,800,000 pounds of harmful emissions to the air;
- Prevented the generation of over 550,000 pounds of hazardous waste;
- Removed 750 pounds of mercury from the environment; and
- Recycled 600,000 pounds of solid waste.



For more information about the GreenCircle Award program and a complete list of award winners go to <http://www.dep.state.ct.us/pao/grncrc/greencircle.htm> and be sure to watch this newsletter for the announcement of the 2003 GreenCircle Award program and where to get application materials. The following companies have been awarded the GreenCircle each year since the program's inception in 1998, a true sign of their commitment to helping make Connecticut cleaner and greener:

Branson Ultrasonics Corporation
Danbury, CT

Hamilton Sundstrand
Windsor Locks, CT

Pitney Bowes, Inc.
Stamford, CT

For a complete list of award winners and a description of their projects see <http://www.dep.state.ct.us/pao/grncrc/awardrecip.htm>.

New this year, the department created an Employee GreenCircle Awards Program to recognize employees who have made a significant contribution to the success of agency programs. To see a description of the eight projects and 35 employees recently recognized under this program, go to <http://www.dep.state.ct.us/whatshap/press/2002/ps1107.htm>. ☞

Department Settles Mercury Discharge and Emission Violations at Mattabassett District

On December 3, 2002 the department and the Cromwell-based Mattabassett District ("Mattabassett") entered into a stipulated judgement to resolve alleged violations at Mattabassett's publicly owned treatment works. The most serious violations addressed by the action involved mercury releases at the plant. As part of its investigation, the department learned that, over time, up to 60 pounds of mercury had escaped processing equipment at the plant and was subsequently released to the environment. The mercury releases were the result of Mattabassett's failure to maintain equipment necessary to prevent its release and failure to promptly report releases of mercury. Mattabassett has since eliminated the mercury-containing equipment.

Following discovery of the Mattabassett mercury leak, the department pursued the elimination of mercury-containing equipment at water pollution control facilities in the state. As a result, five facilities agreed to remove 89 pounds of mercury that could have been released to the environment.

As part of the \$385,000 settlement, Mattabassett is required to install state of the art mercury-reducing air emissions control equipment. In addition, Mattabassett must, among other things, pay a cash penalty of \$50,000 and provide free thermometer exchanges and fluorescent light bulb disposal for businesses and residents of Berlin, Cromwell, and New Britain for three years. Mattabassett is required to provide \$30,000 for the printing and distribution of publications that describe the dangers of mercury and pay \$12,500 to the department's Mercury Reduction Fund.

In an earlier administrative action, Mattabassett entered into an August 2002 consent order for emitting mercury from its sludge incinerator at concentrations greater than the allowable level. The settlement requires Mattabassett to implement a mercury sampling and analysis program to identify likely sources of mercury and to reduce or eliminate any internal sources of mercury that contribute to facility mercury emissions. The consent order also required Mattabassett to pay \$11,500 to the department's Mercury Reduction Fund.

For brief summaries of recent formal enforcement actions taken by the department, go to: <http://www.dep.state.ct.us/enf/scripts/enfform.asp>. ☞

Get Mercury Out of Your School

A mercury spill at school poses a real threat to public health and the environment. It can expose a community to large clean up bills and lawsuits. In the past two years, the department has worked together with numerous communities to remove mercury from school science laboratories and to train school staff in hazardous waste minimization and management techniques. To date, 63 schools have removed over 400 pounds of mercury and mercury compounds from school science labs. Many of the removals were cost-free to the school, with funding being provided by environmental violators through supplemental environmental projects included in department enforcement actions. Funding may be available to assist schools that have not yet removed mercury from their science laboratories. If you are interested in this program, please contact Tom Metzner at (860) 424-3242. For more information on mercury, go to <http://www.dep.state.ct.us/wst/mercury/mercury.htm> or call the mercury hotline at 1-877-537-2488.

Connecticut's "Corrective Action Implementation Rule"

The department recently adopted a new regulation designed to streamline site clean-up and to establish a framework for implementation of the federal Resource Conservation and Recovery Act ("RCRA") Corrective Action program. Effective September 10, 2002, the "Corrective Action Implementation Rule" or "Implementation Rule" applies to corrective action at RCRA Land Disposal Facilities ("LDFs").

The Implementation Rule, Regulations of Connecticut State Agencies Section 22a-449(c)-105(h), is expected to yield efficiencies and incentives for site clean-up by bringing together corrective action and another clean-up program that regulates LDFs – the State's Property Transfer Program. This "one clean-up program" approach reduces the risk of a person needing to engage in multiple clean-ups of the same site based on different criteria and makes clean-up endpoints more predictable. As in the Property Transfer Program, the Department may also delegate oversight of LDF clean-up to Licensed Environmental Professionals.

The Implementation Rule will also be an important part of the Department's application to EPA for authorization to run the Corrective Action Program. The Implementation Rule provides a formal framework for governing the clean-up process. Such a framework is needed for authorization, and also avoids the need for EPA or the department to issue an order or permit for the same purpose. Once the department receives EPA authorization, the Corrective Action and Property Transfer Program requirements will be substantially the same for LDFs.

The Implementation Rule is the final piece of a larger effort to update and revise Hazardous Waste Management Regulations. The earlier revisions became effective on June 27, 2002 and contain numerous important changes, including but not limited to: annual hazardous waste identification, generator closure timeframes, reduced reporting, organic emissions standards, extended storage time for F006 sludges, reduced LDR record keeping and notification requirements, rules for hazardous waste burned in boilers and industrial furnaces, and used electronics recycling. Readers should refer to the full text of revised regulations to determine how the changes affect their operations. They are available on the department's website at <http://www.dep.state.ct.us/wst/hw/hwregs.htm>. The department expects to publish and make available electronically fact sheets regarding the regulations in February 2003. ☞

EPA Audit Protocols Available

EPA has developed 11 compliance protocol manuals as part of an on-going effort to assist the regulated community in conducting multi-media environmental audits. Each protocol offers guidance on key requirements, defines regulatory terms, and provides an overview of the federal laws affecting a particular environmental management area. Checklists containing detailed procedures for conducting a review of facility conditions are also included.

The 11 protocol documents provide coverage of the Resource Conservation and Recovery Act (RCRA) including hazardous waste generators, treatment, storage and disposal facilities, RCRA regulated storage tanks, facilities that manage universal waste and used oil and Subtitle D waste, the Emergency Planning and Community Right-to-Know Act (EPCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Safe Drinking Water Act (SDWA), the Toxic Substance Control Act (TSCA), the Clean Water Act (CWA), and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

The protocols may be obtained electronically at www.epa.gov/compliance/resources/policies/incentives/auditing/index.html or by calling EPA's National Service Center for Environmental Publications at 1-800-490-9198. ☞

Connecticut's New Clean Marina Program

For the past year, the Department's Boating Division and Office of Long Island Sound Programs have been working with Connecticut's recreational boating industry to develop a Clean Marina Program. Because marinas and boatyards are located at the water's edge, routine activities at these facilities may impact the health of surrounding waters; the runoff from one significant rainfall can flush an array of pollutants into the water unless preventative measures are taken. The goal of the Clean Marina Program is to educate marina operators across the state about simple ways to reduce their facilities' impacts on Connecticut's waters, and to encourage better management of nonpoint sources of pollution.

As part of the Clean Marina Program, the Department and a steering committee comprised of industry representatives have developed an environmental manual for marinas which outlines environmental management techniques and procedures for common activities from changing oil to pressure-washing boat hulls. The Department will be distributing the manual to the state's boating facility owners and operators at six workshops scheduled for January and February 2003, to be held in Greenwich, Old Lyme, Bridgeport, Essex, Groton, and Brookfield.

The *Connecticut Clean Marina Guidebook* also includes information about the steps necessary for certification as a Clean Marina. To gain certification a marina must take steps, above and beyond what is required by law, to reduce the impacts of nonpoint source pollution and improve the environmental quality of its facility and the adjacent waters. It is anticipated that the Department will begin certifying marinas for the 2003 boating season. If you see a flag with the Clean Marina logo flying at a marina, you will know that the facility has earned Clean Marina certification.

Also as part of the Clean Marina Program, the Boating Division will be educating the state's boaters about environmentally responsible boating practices. Department staff will be visiting marinas during this boating season to distribute information, answer questions, and encourage boaters to take a few easy steps to become a Clean Boater.

For more information about the Clean Marina Program, contact Elke Sutt at 860-424-3034, email elke.sutt@po.state.ct.us or, for the Clean Boater Program, Eleanor Mariani at 860-434-8638, email eleanor.mariani@po.state.ct.us.

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Useful Link:



The Local Government Environmental Assistance Network ("LGEAN") provides helpful environmental management, planning, funding, and regulatory information for local government officials, managers and staff. Located at <http://www.lgean.org>, LGEAN also manages a toll-free telephone service (877/865-4326).